

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

American Federation of Government
Employees, et al.,

Plaintiffs,

v.

United States Office of Personnel
Management, et al.,

Defendants.

Case No. 3:25-cv-1780

DECLARATION OF ANNE BYRD

Pursuant to 28 U.S.C. § 1746, I, Anne Byrd, declare as follows:

1. I am the Assistant Secretary for Administration for the United States Department of Transportation (“DOT”), which is headquartered in Washington, D.C. I make this Declaration based on my own personal knowledge, on information contained in DOT records, or on information provided to me by DOT employees.

2. I have served in this position since February 25, 2025. In my role at DOT, I serve as DOT’s Chief Human Capital Officer pursuant to Secretarial delegation. 49 C.F.R. § 1.38. I am responsible for personnel management. I have the responsibility for overseeing the personnel enterprise and tracking and recording of personnel actions, including terminations. I assist in ensuring that all personnel actions comply with federal law, including those related to probationary employees. Prior to my appointment, I served as a Senior Advisor to the Secretary of Transportation since February 3, 2025.

3. I have received and read the Order on Motion for Preliminary Injunction by Union Plaintiffs and State of Washington issued in the above-captioned matter on April 18, 2025 (the “April 18 Order”).

4. Between February 14 and 24, 2025, DOT terminated approximately 786 probationary employees using a notice template provided by the U.S. Office of Personnel Management or a variation thereof. Pursuant to a court order issued in another case, these employees were reinstated on March 17, 2025, except for those whose terminations had been rescinded or who had resigned.

5. In accordance with the April 18 Order, DOT has now provided each of the 786 individuals referenced above with “a written statement, directed to the employee individually, stating that [the employee’s] termination was not ‘performance’ or fitness based but was made as part of a government-wide mass termination.” DOT provided these notices by government or personal email, as appropriate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 5, 2025

A handwritten signature in black ink, appearing to read "Anne Byrd", written in a cursive style.

Anne Byrd